

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 20, 2002

Regulation Package #0702-18

CDSS MANUAL LETTER NO. CCL-02-05

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 12,
CHAPTER 3, FAMILY CHILD CARE HOMES

Regulation Package #0702-18**Effective 8/7/02****Sections 102419 and 102421**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/FamilyChil_627.htm.

These amendments are necessary to implement the Department of Social Services' policy requiring child care licensees to inform parents of their right to information about any adults associated with the facility who have been granted a criminal record exemption. These required parental rights are now listed in this regulation section along with other parental rights information that was previously only listed in the Health and Safety Code and other regulation sections. These regulations require licensees, upon request by the parent or authorized representative, to provide the name and type of association to the facility of any adult who has been granted a criminal record exemption, and that the name of the person may also be obtained by contacting the local licensing office.

These regulations were adopted on an emergency basis effective August 7, 2002 and will be considered at the Department's public hearings to be held on October 15, 16, and 17, 2002.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-02-04. The latest prior manual letter containing Family Child Care Homes regulation changes was Manual Letter No. CCL-01-19.

Page(s)**Replace(s)**

1 and 2
42.3 through 45

Pages 1 and 2
42.3 through 45

Attachments

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FAMILY CHILD CARE HOMES

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102418 IMMUNIZATIONS**102418**

(Continued)

- (2) The parents or guardians sign and date the back of the California School Immunization Record, PM 286 (6/95), which is also used for family day care homes, under the "Personal Beliefs Affidavit."
- (f) As required by the California Code of Regulations, Title 17, Section 6035(b), a child who does not meet any of the requirements in Sections 102418(c), (d), or (e), shall not be admitted to a family day care home.
- (g) The licensee shall document each child's immunizations as required by the California Code of Regulations, Title 17, Section 6070, and shall maintain such documentation for as long as the child is enrolled.
- (1) This requirement includes updating each child's PM 286 (6/95) when the child is due to receive required immunizations after enrollment in the family day care home.

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- (h) California Code of Regulations, Title 17, Section 6070, specifies in pertinent part that:
 - (1) The family day care home shall record each pupil's immunization on the California School Immunization Record, PM 286 (6/95).
- (i) California Code of Regulations, Title 17, Section 6075, specifies in pertinent part that each family day care home licensee report annually to the Department of Health Services as follows:
 - (1) The family day care home shall file a report with the state and local health departments on the immunization status of new entrants annually or when needed to determine immunization status such as during an epidemic or potential epidemic. The form to be used for this report is:
 - (A) Family day care homes: ANNUAL FAMILY DAY CARE HOME IMMUNIZATION SURVEY [DHS 8529 (1/96)].

HANDBOOK ENDS HERE

- (j) The licensee shall not be required to document immunizations of children also enrolled in a public or private elementary school.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.813, 1597.05, 1597.541, and 120325 - 120380, Health and Safety Code; Sections 6000-6075, California Code of Regulations, Title 17.

**102419 ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED
REPRESENTATIVE'S RIGHTS****102419**

- (a) The licensee shall inform parents or authorized representatives of children in care of their rights, which include, but are not limited to, the following:
- (1) To enter and inspect the family child care home in accordance with Health and Safety Code Section 1596.857.
 - (2) To file a complaint against the licensee with the local licensing office in accordance with Health and Safety Code Section 1596.853.
 - (3) To review the family child care home's public file kept by the local licensing office in accordance with Health and Safety Code Section 1596.859.
 - (4) To review at the family child care home, reports of licensing visits and substantiated complaints against the licensee made during the last three years in accordance with Health and Safety Code Section 1596.859.
 - (5) To complain to the local licensing office and inspect the family child care home without discrimination or retaliation in accordance with Health and Safety Code Section 1596.857.
 - (6) To request in writing that a parent not be allowed to visit a child or take a child from the family child care home, provided the custodial parent has shown a certified copy of a court order pursuant to Health and Safety Code Section 1596.857.
 - (7) To receive from the licensee the name, address and telephone number of the local licensing office in accordance with Section 1596.874.
 - (8) To be informed by the licensee, upon request, of the name and type of association to the family child care home for any adult who has been granted a criminal record exemption, and that the name of the person may also be obtained by contacting the local licensing office.
- (b) The licensee shall post the PUB 394 (8/02), Family Child Care Home Notification of Parents' Rights Poster in a prominent, publicly accessible area in the family child care home at all times children are in care.
- (c) The licensee shall provide to the parent or authorized representative the LIC 995E (8/02), Caregiver Background Check Process form.

**102419 ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED
REPRESENTATIVE'S RIGHTS (Continued) 102419**

- (d) At the time of acceptance of each child into care and for all children in care on August 7, 2002, the licensee shall provide the child's parent or authorized representative with a copy of the notice form LIC 995A (8/02), Family Child Care Home Notification of Parents' Rights and the LIC 995E, Caregiver Background Check Process form.
- (1) The licensee shall request the child's parent or authorized representative to sign and date the bottom portion of the notice form LIC 995A (8/02), which acknowledges that the parent or authorized representative has received and read the LIC 995A. The bottom portion of this form must be kept in the child's file as proof that the parent or authorized representative has been notified of his or her rights and received a copy of the LIC 995E, Caregiver Background Check Process form.
- (2) Whenever a parent or authorized representative makes a request pursuant to Section 102419(a)(8), the licensee shall note, date, and initial the request in the child's file. The licensee shall request that the parent or authorized representative also initial the notation documenting the request.
- (3) Reserved
- (A) Upon a finding of noncompliance with a plan of correction for violation of Sections 102419(a)(8), (b), (c), (d), (d)(1), or (d)(2), the Department shall impose a civil penalty of fifty dollars (\$50) per day until the deficiency is corrected.
- (B) Regardless of whether the licensee complies with an initial plan of correction in the time allotted, if the licensee subsequently violates any provision of Sections 102419(a)(8), (b), (c), (d), (d)(1), or (d)(2) within 12 months of the initial citation, the Department shall assess a civil penalty of \$150 plus an assessment of \$50 per day until the deficiency is corrected.
- (C) Regardless of whether the licensee complies with the deficiency in Section 102419(b)(3)(B), if the licensee subsequently violates any provision of Sections 102419(a)(8), (b), (c), (d), (d)(1), or (d)(2) within 12 months of the citation and assessment in Section 102419(b)(3)(B), the Department shall assess a civil penalty of \$150 plus an assessment of \$150 per day until the deficiency is corrected.
- (e) Upon presenting identification, the parent or authorized representative of a child in care has the right to enter and inspect the family child care home without advance notice during the family child care home's normal operating hours.
- (1) When inspecting the family child care home, the parent or authorized representatives shall be respectful of the children's routines and programmed activities.

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102419 ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED REPRESENTATIVE'S RIGHTS (Continued)**102419**

- (f) No family child care home shall discriminate or retaliate against any child or any child's parent or authorized representative because the parent or authorized representative has exercised his or her right to inspect the family child care home or has lodged a complaint with the Department against the family child care home.
- (1) If the licensee denies a parent or authorized representative the right to enter and inspect the family child care home or retaliates against any child or any child's parent or authorized representative, the Department shall issue the licensee a warning citation.
 - (2) For any subsequent violation of this right, the Department shall take appropriate action including, but not limited to, license revocation and imposition of a civil penalty upon the home of fifty dollars (\$50) per violation.
 - (3) The person present who is in charge of the family child care home shall determine whether to deny access to the following:
 - (A) An adult whose behavior presents a risk to children present in the home; and
 - (B) A parent who is subject to a court order denying him/her contact with the child if so requested by the child's parent or authorized representative.
- (g) If a child's parent or authorized representative refuses to sign the LIC 995A (8/02), a dated notation to that effect, containing the parent or authorized representative's name and telephone number, shall be kept in the child's record.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.853, 1596.857, 1596.859, 1596.872, 1596.874, 1597.07, 1597.30, and 1597.56, Health and Safety Code.

102421 CHILD'S RECORDS**102421**

- (a) The licensee shall maintain, in each child's record, the signed and dated notice form required in Section 102419(d).
- (1) The licensee shall keep the signed and dated notice form for at least three years following termination of service to the child.
- (b) The licensee shall maintain, in each child's record, a copy of the emergency information card required in Section 102417(g)(7).
- (c) In any case in which a licensee releases a minor to a peace officer pursuant to Section 305 of the Welfare and Institutions Code, the licensee shall provide the peace officer with the address and telephone number of the minor's parent or authorized representative in order to enable the peace officer to make the notification required by Section 308 of the Welfare and Institutions Code.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.857, 1596.872, 1596.876 and 1597.30, Health and Safety Code.

102423 PERSONAL RIGHTS**102423**

- (a) Each child receiving services from a family child care home shall have certain rights that shall not be waived or abridged by the licensee regardless of consent or authorization from the child's authorized representative. These rights include, but are not limited to, the following:
- (1) To be treated with dignity in his/her personal relationship with staff and other persons.
- (2) To receive safe, healthful, and comfortable accommodations, furnishings, and equipment.
- (3) To have parents or guardians informed by the licensee of the provisions of the law regarding complaints and the procedures for registering complaints confidentially, including, but not limited to the address and telephone number of the licensing agency's complaint unit.
- (4) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature, including, but not limited to: interference with eating, sleeping or toileting; or withholding shelter, clothing, medication or aids to physical functioning.
- (b) The licensee shall give authorized representatives of children in care a consumer education and awareness handout. The Department shall provide this handout and distribute it to licensees.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.81(b) and 1597.30, Health and Safety Code.